

Application No. 10/815,421

Attorney Docket No. 050623.00359

REMARKS

Claims 1-82 are pending. Claims 1-30, 42-46, 50, and 53-82 are withdrawn. Claims 31-41, 47-49, 51 and 52 are rejected.

Claims 37 and 51 are currently amended. Support for the amendment is found at least in the claims as originally filed.

Summary of Telephonic Communication

On February 17, 2009, the Examiner and Applicants' attorney, Zhaoyang Li, had a telephonic discussion on the Board's decision reversing the rejection of claims 31-41, 47-49, 51 and 52 as allegedly being obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,110,483 to Whitbourne et al. in view of WO 2004/101018. The Examiner advises that the Board held that these claims are allowable under 35 U.S.C. §103(a) over U.S. Patent No. 6,110,483 to Whitbourne et al. in view of WO 2004/101018 with respect to the elected species. The Examiner proposes the following two options of actions that Applicants may take: (1) Applicants are to amend the claims to be drawn to the elected species found allowable by the Board such that the Examiner can allow the claims thus amended, or (2) the Examiner is to re-open the case to examine the claims over non-elected species. Zhaoyang Li advises the Examiner that he would need to discuss the options with client before he can take any action.

Amendment to claims

Solely to facilitate the prosecution of the application, claim 37 is amended to recite poly(n-butylmethacrylate) (PBMA) as the species of the structural component of the coating defined by the claim without the non-elected polymer; claim 51 is amended to recite a block copolymer poly(ethylene glycol)-co-PBMA-co-poly(ethylene glycol) (PEG-PBMA-PEG) as the biobeneficial component of the coating defined by the claim without the non-elected polymer.

These elected species as set forth in the communication filed on August 13, 2007. All claims are

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now allowable.

Applicants will file a continuation application and divisional applications to prosecute the remaining claims.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

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CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested. If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: February 17, 2010
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Respectfully submitted,

/ZLI/
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